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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Eighteenth session

SUMMARY RECORD OF THE 371st MEETING

Held at Headquarters, New York,
on Tuesday, 27 January 1998, at 10 a.m.

Chairperson: Ms. KHAN

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued)

Initial report of Zimbabwe (continued) (CEDAW/C/ZWE/1)

1. At the invitation of the Chairperson, Ms. Lesabe and Mr. Zamchiya (Zimbabwe) took places at the Committee table.

2. Mr. ZAMCHIYA (Zimbabwe) thanked the Committee for its comments on the initial report of Zimbabwe and, in particular, on national legislation to prevent discrimination against women.

3. In reply to the Committee's request for an explanation of the 11-year gap between Zimbabwe's independence and its accession to the Convention, he said that some of the provisions of the 1979 Constitution, such as the stipulation that women could not own property in communal areas, had not been eligible for amendment until 10 years after the instrument's adoption. Zimbabwe had, therefore, not been able to accede to certain international instruments, including the Convention, until the Constitution had been amended.

4. His delegation had also been asked to explain why the Ministry of Community Development and Women's Affairs had been dissolved. The Government had, in effect, upgraded the status of that Ministry by incorporating it into the Ministry of National Affairs, Employment Creation and Cooperatives, which was responsible not merely for women's, but for national affairs, and whose mission statement stipulated that its mandate was "to facilitate the socio-economic empowerment of communities, focusing on women, the youth and the unemployed".

5. In reply to the suggestion that Zimbabwe should establish a separate body to deal with women's affairs, he said that the Government was considering the establishment of an autonomous agency for economic matters. President Mugabe supported that proposal and would welcome suggestions for the establishment of a similar agency for women's issues.

6. The Committee had requested information on budget allocations for women's affairs. A 1994 directive had established a provincial government hierarchy which included a provincial council and rural, ward and village councils. There was also a parallel system of provincial, rural district, ward and village development committees under the various ministries. Project funding was disbursed, not at the local level, but through the appropriate ministry. The Government considered that since projects such as the construction of roads, schools and clinics benefited women as well as men, all such activities should be viewed as affirmative action on behalf of women.

7. However, creation of a specific agency for women's issues would entail the establishment of an additional ministry at a time when the international community and the Bretton Woods institutions were urging the Government to eliminate ministries in order to reduce its budget deficit. Under those circumstances, it would seem preferable to consider ways to improve existing

institutions, and his delegation would welcome suggestions for enhancing the activities of the Ministry of National Affairs, Employment Creation and Cooperatives on behalf of women. Furthermore, since non-governmental organizations (NGOs) and the donor community preferred to disburse project funding directly to local authorities, the Government was concentrating on decentralization as part of its structural adjustment programme and considered that concentration of additional power in the Government through the establishment of a new ministry would be counterproductive.

8. The Government was aware of the general recommendations of the Committee but had not been actively implementing them. It welcomed the Committee's offer to provide it with a compilation of those recommendations and would consider incorporating them into domestic law.

9. In reply to a question on what the Government was doing to implement the Beijing Platform for Action, he said that it had developed a national gender policy, a national plan of action, indicators for monitoring the status of women and a project on women in politics and decision-making, and that there were gender focal persons who were given training in gender sensitization, planning and policy development.

10. The Ombudsman was responsible for investigating any action by a government authority which resulted in injustice. The Ombudsman's office had no specific mandate to address the rights of women but provided a channel through which they could appeal against administrative decisions or actions on issues such as the courts' failure to pay benefits or sexual harassment in the workplace. The Ombudsman had no jurisdiction over the private and informal sectors or over certain government departments, such as the Office of the President, and her recommendations were not binding. However, a recent amendment to the Constitution and the Ombudsman Act had empowered her to investigate reports of human rights violations and had extended her mandate to include the police, the armed forces and the prison service. A Deputy Ombudsman had recently been appointed, and there were plans to set up a second office in the country's second largest city, Bulawayo.

11. Victims of human rights violations were also entitled to appeal through the courts, although the cost could be prohibitive. However, under the Constitution, international instruments to which Zimbabwe was a party could be incorporated into domestic law only through an act of Parliament. Thus, while most of the provisions of the Convention were included in domestic law and therefore enforceable, there was no single piece of legislation giving effect to the Convention.

12. Although gender sensitization training was currently provided only to judicial and police officers who handled cases of rape and other forms of violence against women, there were plans to extend such training to paramedics and medical personnel who dealt with the victims of such abuse.

13. Dissemination of the Convention was an ongoing process that had focused initially on its distribution to ministries and other relevant bodies. The Zimbabwean Institute of Public Administration and Management, a government training centre, had established a gender project which included the Convention

in its curriculum, and all gender focal persons, together with male and female employees of government offices, received training through that programme. Plans were also under way to disseminate the Convention in its translated, simplified form at the grass-roots level.

14. The Public Service Commission recognized the need to increase the number of women in management positions, the diplomatic service and international organizations. To that end, the Zimbabwe Institute of Public Administration and Management had established a management development programme for civil servants.

15. While there was no specific programme to increase the number of women in the judiciary, the percentage of women judges, and particularly of women magistrates, had risen steadily over the past few years. Owing to the low salaries of Zimbabwean judges, most of the country's men and women lawyers preferred to set up private practices. The Government encouraged qualified candidates to enter the judiciary and hoped that more of them would choose to become judges in the future.

16. The Constitution, which was the supreme law of the country, had been amended in 1966 to prohibit discrimination on the ground of sex, although the amendment did not specifically concern discrimination against women. Customary laws and practices which discriminated against women were inconsistent with the Constitution and therefore void. A number of laws had been enacted to prohibit certain cultural practices, such as the betrothal of girls and women. Despite the existence of such laws, however, some discriminatory practices still existed.

17. The Sex Discrimination Removal Act provided that women could be appointed to any public office, subject to the same terms and conditions as men. However, while the Act provided for equal treatment of women, it did not provide for affirmative action. Moreover, there were no specific programmes aimed at eliminating negative cultural practices and attitudes towards women, although a number of educational programmes sought to counter gender stereotypes in text books and school curricula.

18. Responding to questions concerning the enactment of a family code in Zimbabwe and the recent civil unrest in the country, he indicated that Zimbabwe did not currently have a family code but might consider the possibility of establishing one in the future. Since his delegation had been in New York during the reported unrest in Zimbabwe, it was not yet in a position to provide information on the extent to which women and children might have been affected.

Article 2

19. Commenting on questions raised in relation to article 2, he said that, subject to certain exceptions, the Labour Relations Act prohibited discrimination on the ground of sex. The exceptions were intended to take account of special conditions, such as maternity leave, that related to female employees and to the biological differences between men and women. The net effect of the exceptions, however, was not to promote discrimination but rather to safeguard the interests of female employees.

20. No information was available on the extent to which women availed themselves of the remedies against discrimination provided under the Labour Relations Act. Independent research suggested, however, that discrimination against women in the workplace was quite prevalent. He hoped that the relevant data could be included in his country's second report.

21. The identification of discriminatory laws with a view to amending them continued. The Communal Lands Act, for example, which recognized the application of customary law in the allocation of land in communal areas, had been identified for amendment.

22. He acknowledged as valid the Committee's recommendation that unregistered customary marriages should be recognized for the purpose of the distribution of matrimonial property, particularly since women from such unions experienced severe difficulties upon their dissolution. The situation, however, should be viewed in the context of other human rights instruments, and in particular the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages. The ultimate aim should be to ensure that all marriages were registered.

23. Although actual figures on polygamy were not available, independent surveys showed that the practice was widespread. No concrete steps had been taken by the Government to outlaw the practice, which was permitted under the African Marriages Act. Polygamy was likely to decline in the future, however, mainly as a result of the influence of Christianity and of economic and social conditions.

Article 4

24. In relation to article 4, while Zimbabwe had taken cognizance of the Committee's recommendation that full advantage should be taken of affirmative action programmes, little progress had been made. The Government was currently looking at the experiences of other States with a view to accelerating de fa(to equality in all sectors of Zimbabwean society.

Article 5

25. Following the enactment of the Legal Age of Majority Act, the payment of lobola (dowry) for a bride had ceased to be a legal requirement for marriage under customary law. Many women, however, still allowed their fathers or guardians to negotiate for lobola, which was considered to be an integral part of African custom. Therefore, while the legislature had removed lobola as a legal requirement for marriage, it had not positively prohibited the practice. Indeed, the difficulty of enforcing legislation that sought to regulate the private acts of individuals was well known.

26. There had been incidents in which women who were alleged to have been indecently dressed had been harassed by hooligans in the name of preserving culture. Unfortunately, in the majority of cases, the police had failed to take action, thus giving the false impression that the Government condoned such action. It was therefore necessary to educate the police about the need for appropriate action.

27. There were currently no shelters or rehabilitation programmes in Zimbabwe for women victims of violence, although some non-governmental organizations provided counselling services to victims.

28. Little information on the incidence of female genital mutilation was available. The practice was extremely rare in Zimbabwe and investigations would have to be undertaken to determine the actual extent of the problem so that steps could be taken to eradicate it.

29. Media personnel had received training in gender-sensitive reporting and there had been a gradual change in the way in which women were portrayed in the media. The country's largest daily newspaper carried a weekly feature which highlighted the achievements of women and provided information on programmes and legal and other issues of concern to women.

Article 6

30. Responding to questions about prostitution, he explained that prostitution and trafficking in women were illegal in Zimbabwe and prostitutes therefore had no special rights with regard to access to health services. Zimbabwe had recently acceded to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. Measures would be taken to incorporate the Convention into domestic law. While men were not prosecuted for buying the services of a prostitute, they were liable to prosecution for living off the earnings of a prostitute or for allowing their premises to be used as a brothel. The national machinery did not have any specific programmes for the rehabilitation of prostitutes, although various non-governmental organizations sought to rehabilitate them by offering viable alternative sources of income.

Article 7

31. In relation to article 7, the major political parties in Zimbabwe each had a women's wing whose activities were geared mainly towards mobilizing support and votes for predominantly male candidates. The national machinery had, however, embarked on a project to change those attitudes.

32. There were no distinctions between Members of Parliament who had been elected to office and those who had been appointed by the President of the Republic. The President's power to appoint some Members of Parliament was intended to protect the interests of minority and under-represented groups and a number of women had been so appointed in the past.

Article 10

33. Commenting on various questions raised in connection with article 10, he said that while a number of measures had been put in place to keep girls in school, no specific assistance was given to girls who returned to school after childbirth. Various religious organizations operated private schools and received nominal grants from the State. The amount of such funding would be indicated in the second report. Racial segregation in schools had been abolished, although most private schools remained exclusive because of their

prohibitive fees, which few Africans could afford. On the subject of school uniforms, while it was the general practice to wear such uniforms, pupils unable to afford them were not turned away from school. Lastly, there were government training centres in all provinces where school drop-outs were trained in such skills as agriculture, carpentry, handicraft and business management.

Article 11

34. In relation to article 11, a specific statutory instrument governed the conditions of service of domestic workers but did not adequately provide for such benefits as maternity leave, medical aid and pensions. Workers in the informal sector were not organized into formal trade unions and the Government had been encouraging them to join a recently formed association. Legislation was also being drafted for the purpose of harmonizing the country's labour laws.

Article 12

35. Government health institutions provided free health care to rural residents as well as to urban residents whose monthly income was less than Z$ 400. However, the reduction in the budget for social services under the country's structural adjustment programme had adversely affected the quality of health services.

36. On the subjects of HIV/AIDS and teenage pregnancies, education campaigns were being carried out to increase public awareness of the need to change negative attitudes towards people with HIV/AIDS. Proper research was needed to ascertain the extent of teenage pregnancies, although the problem appeared to be widespread. Lastly, while the law did not prohibit young girls from being given contraceptives, health workers were sometimes reluctant to provide them, since it was an offence for any man to have sexual relations with a girl under the age of 16.

Article 14

37. In relation to article 14, most rural families had basic farming implements, such as animal drawn ploughs, to lessen the burden of work for women. In most areas also, water points had been brought closer to homes in order to reduce the distances which women were forced to travel to fetch water.

Article 15

38. Following the enactment of the Legal Age of Majority Act, women could now sue or be sued in their own right. Preparations were also under way for the establishment of a Legal Aid Directorate which would represent women on a pro bono basis. Women of majority age could seek legal assistance unaccompanied by a male relative. Minors, however, still required the assistance of their father or guardian.

Article 16

39. In relation to article 16, it was the Government's policy that all marriages should be registered and, to that end, it proposed to conduct

awareness campaigns and to decentralize marriage offices. It was also giving consideration to the enactment of legislation on domestic violence. At the moment, a peace order was issued where a complaint was made to a magistrate that an individual was threatening injury to another's person or property. The Government did not keep statistics on domestic violence and there was therefore need to coordinate the efforts of all stakeholders in order to maintain tabulated information on the incidence of such violence.

40. Ms. SCHÖPP-SCHILLING, in reference to whether independent or integrated national machinery was more effective, said that it did not matter; what was needed was political will and resources. She suggested that a network of men and women sensitive to the situation of women, should be established in all ministries, with appropriate rules of procedure. Every piece of legislation, programme and action undertaken by a ministry should be checked for its impact on women. Any ministry responsible for women's affairs should be given the right to initiate action in areas considered the responsibility of other ministries if those areas affected women, as well as the right to remove an issue from the Government's agenda if its impact on women had not been satisfactorily weighed. It should also report regularly to the Prime Minister. Lastly, each ministry should report on how it had followed the rules of procedure.

41. The advancement of women was impossible without affirmative action, which meant giving women more than their share of opportunities. She hoped the Government would establish an affirmative action policy which included training, and the setting of numerical goals or quotas in all spheres of society.

42. She trusted that the comment by the representative of Zimbabwe that the law stopped at the bedroom did not mean that he condoned such a view, since much of the violence against women was committed within the family.

43. Ms. CORTI said that while she had noted with satisfaction the passing of the Sex Discrimination Removal Act, not much had been done in the areas of polygamy and violence against women. In the light of the fact that violence was often a widespread phenomenon in new countries with difficult economic situations, a law on violence against women should be enacted.

44. Ms. JAVATE DE DIOS said that she had noted with satisfaction that the police force and prison personnel were not exempt from being investigated for human rights violations. She hoped that the Government would be more assertive in terms of punitive and preventive action concerning the stripping of women in streets, in order to send a strong message to society that such practices were unacceptable. In that connection, she suggested that the Government should take a more comprehensive approach to violence against women, including the systematic collection of disaggregated data, the adoption of a domestic violence law, the provision of counselling and other services for women victims, and the initiation of a broad public awareness campaign against violence. The Government should investigate the problems of the high drop-out rate among girls and the incidence of teenage pregnancy. Violence against women was a human rights as well as a public health issue that generated enormous social costs; preventing those costs would be to the benefit of society as a whole.

45. Ms. FERRER said that it was necessary to establish national machinery for the advancement of women and to launch an awareness campaign at the local and national level aimed at changing attitudes towards women. In that connection, it was necessary to adopt affirmative action measures.

46. Ms. ABAKA said that she was pleased to see that the Ombudsman's functions had been extended to include the investigation of law enforcement agencies, especially in the light of the recent cases of police arresting girls for dressing indecently. She suggested that the Ombudsman's functions should also be extended to violations of human rights in the private sector.

47. Ms. BUSTELO GARCIA DEL REAL said that the provisions of article 6 of the Convention should be fully implemented. In spite of the fact that prostitution was illegal, as members of society prostitutes had fundamental rights, including the right to health services, and measures should be taken to protect those rights. Any policy aimed at the reduction of violence against women should take into account the fact that prostitutes were frequently victims of violence and should therefore be protected. Furthermore, under the Convention, it was discriminatory to consider prostitution, but not procurement, an illegal act.

48. The CHAIRPERSON said that while she commended the Government of Zimbabwe for its efforts to make gender issues a priority, gender stereotypes and retrogressive customary laws and traditions practised in Zimbabwe were still a major obstacle to the advancement of women. Research was needed to investigate the causes of the high rates of teenage pregnancy and abortion, and contraceptive devices and sex education must be provided to young women. Lastly, the report shed very little light on the right of women to own property and on violence against women, and she hoped that the next report would provide additional information on those important issues.

49. Ms. LESABE said that she appreciated the Committee's questions as they pointed out the areas of concern which needed further attention, especially those related to customary laws and traditions, on which she recognized the need for widespread consultation.

50. Ms. Lesabe and Mr. Zamchiya (Zimbabwe) withdrew.

The meeting was suspended at 12.35 p.m. and resumed at 12.55 p.m.

IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION

51. Ms. RYEL informed the Committee that Ms. Gro Harlem Brundtland (Norway) had been elected Director-General of the World Health Organization.

The meeting rose at 1 p.m.